

**CITY OF CLEVELAND
CITY COUNCIL MEETING
NOVEMBER 13, 2019
MINUTES**

CITY COUNCIL MEETING

The City Council Meeting of the Mayor and Council of the City of Cleveland was called to order by Mayor Shan ash at 6:30 p.m.

COUNCIL MEMBERS PRESENT: Nan Bowen, Annie Sutton, Kevin Stanley, and Bradley Greene.

APPROVAL OF AGENDA

On motion by Bradley Greene, seconded by Kevin Stanley, in favor – Nan Bowen and Annie Sutton and carried unanimously, the Mayor and Council voted to approve the agenda of November 13, 2018 with the addition of the recognition of Boy Scout Troop 140 under new business.

ANDY CAMP – NEXTSITE 360 - UPDATE

Andy Camp, NextSite 360, came before the mayor and council to give an update of the efforts to promote and market Cleveland and White County.

Mr. Camp thanked Tom O'Bryant and his staff for providing much needed information to develop a study of the area. Mr. Camp also thanked Georgia Power for partnering in the project.

The NextSite 360 group attends numerous conferences that hosts industries and commercial developers. The group has met in Atlanta, Chicago, Orlando, Tampa, Gulf States, Charlotte, and Louisville. Although many developers attends the conferences, NextSite 360 realizes and reaches out to other avenues to provide information the developers are interested in pursuing. NextSite will then follow up with developers to encourage development in our area.

Through the research, developers can determine the needs of the area and if it will be a viable investment. Cleveland has nice properties available near the new medical center and Taco Bell. This is usually not the case in most areas. The city has quite a few fast food restaurants, which may draw more restaurants to come to our area. The city shows a gap in fine dining restaurants, soft goods, and clothing stores.

Mr. Camp provided a marketing handout, which lists demographics, history, population, and household income by radius, retail gaps in the area, and a few of the available properties in the area. The City, as well as the Chamber of Commerce and other marketing sources, can use the information to market our area.

Nan Bowen asked how strict do they stick to the population count and could it discourage developers. Mr. Camp answered population could make a difference but does not cover political boundaries but rather plots a regional trade area. Mayor Ash asked if there is information of traffic coming into the city or is it going to other places. Mr. Camp answered he would need to obtain traffic counts from DOT. Developers do have an interest when new roads are developed, such as the bypass. Bradley Greene informed the Arby's group chose the current location due to the high traffic count.

Mr. Camp stated there is a noticeable gap in full services restaurants. Restaurants similar to Moe's, are typically tenants and move into a three or more unit building.

ANDY CAMP – NEXTSITE 360 – UPDATE - continued

Mr. Camp's team has had a busy first year on the three-year project researching, recognizing need, and looking for concepts that will work for this area with developers that want to expand their name brand. The information, provided by NextSite, can also be utilized by the local businesses for marketing and developing business plans.

Mr. Camp engaged the Boy Scout Troop 140 and asked what they would like to see in the area. Most of the children suggested fast foods or sit down restaurants like Longhorn's or Chili's.

Mr. Camp encouraged the mayor and council to contact him with questions or if he can provide additional information.

2018-16 AMENDMENT TO ALCOHOL ORDINANCE – 2ND CONSIDERATION AND POSSIBLE ADOPTION

The Mayor and City Council reviewed the amendments to the Alcohol Ordinance.

- Amend definition Hotel/Motel
- Amend 4-11 Alcoholic Review Board – option to appoint
- Amend 4-61 License permitting the sale of alcoholic beverages - part b – to allow for 60% of total sales dedicated to food and nonalcoholic beverages
- Amend 4-205 Hearings – Mayor and Council to hear all appeals

Tom O'Bryant, City Administrator, has not received comments on the proposed amendments since the first consideration.

The amendments read as follows:

WHEREAS, the Mayor and the Council of the City of Cleveland desire to amend the **City of Cleveland Code of Ordinances, Chapter 4 ALCOHOL BEVERAGE ORDINANCE** heretofore adopted, so as to amend Article I. In General, Section 4-4 Definitions Hotel/Motel, Section 4-11 Alcohol Beverage Review Board, Article II. Licensing Section 4-61 License permitting the sale of alcoholic beverages, Article VI License Fees Section 4-205 Hearings.

NOW, THEREFORE, BE IT RESOLVED by the City of Cleveland City Council, the **City of Cleveland ALCOHOL BEVERAGE ORDINANCE** is hereby amended as follows:

By deleting Section 4-4 Definitions *Hotel Motel* and by adding new definition *Hotel/Motel*.

Hotel/motel means a building or structure kept, used, maintained, advertised or held out to the public to be a place where sleeping accommodations are offered for adequate pay to travelers, guests, and transients in which 50 or more rooms are used for the sleeping accommodations of such guests. Boarding houses or other similar facilities which have less than 50 rooms used for sleeping accommodations for such guests are not classified as a hotel for the purposes of this chapter. Motels meeting the qualifications set out herein for hotels shall be classified in the same category as hotels. Hotels shall have the privilege of granting franchises for the operation of a restaurant on their premises, and the holder of such franchise shall be included in the definition of hotel hereunder.

2018-16 AMENDMENT TO ALCOHOL ORDINANCE – 2ND CONSIDERATION AND POSSIBLE ADOPTION - continued

- (1) In which the sale of food and alcoholic beverages is incidental to its primary enterprise and activity on the premises and which shall derive at least 60 percent of its total annual gross sales from the sale of prepared foods and recreation activities; and
- (2) In which meals are served, such place being provided with adequate and sanitary kitchen and dining room equipment and a sufficient number and kind of employees to prepare, cook, and serve suitable food for its guests. Said establishment shall be prepared to serve food every hour they are open.

By deleting Section 4-11, Alcoholic Beverage Review Board and adding new Section 4-11 Alcoholic Beverage Review Board (a) The Mayor and Council of the City of Cleveland, at its discretion, may appoint an alcoholic beverage review board. The Mayor and City Council will develop guidelines for the effectiveness of the alcoholic beverage review board.

By deleting Section 4-61 License permitting the sale of alcoholic beverages Part b, subpart (1), (2), (3) and by adding new Section 4-61 License permitting the sale of alcoholic beverages Part (b) subpart 1) as follows:

Section 4-61 License permitting the sale alcoholic beverages

b. (1) 60 percent of its total sales comprised of the sale of food prepared on the premises and nonalcoholic beverages consumed on the premises of restaurants, indoor civic/cultural facility, or restaurant within a hotel. Said establishments shall be prepared to serve food every hour they are open;

By deleting Article VI License Fees Section 4-205 Hearings and by adding new Section 4-205 Hearings as follows:

- (a) No license or permit shall be denied, suspended, or revoked without the opportunity for a hearing as hereinafter provided.
- (b) The city clerk or designee shall provide written notice to the applicant, licensee, or employee of his or her order or the chief of police's decision to deny, suspend, or revoke the license or permit. Such written notification shall set forth in reasonable detail the reasons for such action and shall notify the applicant, licensee, or employee of the right to appeal under the provisions of this chapter. Any applicant, licensee, or employee who is aggrieved or adversely affected by a final action of the city clerk or designee may have a review thereof by appeal to the Mayor and Council of the City of Cleveland. Such appeal shall be by written petition, filed in the office of the city clerk or designee within 15 days after the final order or action of the city clerk or designee and in order to defray administrative costs must be accompanied by a filing fee of \$500.00. The Mayor and Council of the City of Cleveland may at the request of the appellant, refund the filing fee by a majority vote.
- (c) A hearing shall be conducted on each appeal with 30 days of the date of filing with the city clerk or designee, unless a continuance of such date is agreed to by the appellant and the city clerk or designee. The appellant at such hearing shall have the right to be represented by an attorney, at the expense of the appellant, and to present evidence and cross-examine witnesses. All testimony shall be sworn. The Mayor and Council of the City of Cleveland shall be authorized to hire independent counsel to serve as a hearing officer and/or counsel to the council with the approval of the city council.

2018-16 AMENDMENT TO ALCOHOL ORDINANCE – 2ND CONSIDERATION AND POSSIBLE ADOPTION - continued

- (d) The written findings of the Mayor and Council of the City of Cleveland shall be forwarded to the city clerk or designee by Mayor and Council of the City of Cleveland after the conclusion of the hearing and it shall be the duty of the city clerk or designee to notify the appellant of the action of the Mayor and Council of the City of Cleveland.
- (e) In hearings as set forth in this section, the city clerk or designee bears the burden of proof by a preponderance of the evidence. The findings of the city clerk or designee shall not be set aside unless the Mayor and Council of the City of Cleveland finds them to be:
- (1) Contrary to law or ordinances;
 - (2) Unsupported by substantial evidence on the record as a whole; or
 - (3) Unreasonable.
- (f) The findings of the Mayor and Council of the City of Cleveland shall be final unless appealed within 30 days of the date of said findings by certiorari to the superior court of the county.

On motion by Bradley Greene, seconded by Kevin Stanley, in favor – Nan Bowen and Annie Sutton, and carried unanimously, the Mayor and Council voted to approve the second consideration and amend the Alcohol Ordinance as presented (2018-16 Amendment to Alcohol Ordinance):

- Amend definition Hotel/Motel
- Amend 4-11 Alcoholic Review Board – option to appoint
- Amend 4-61 License permitting the sale of alcoholic beverages - part b – to allow for 60% of total sales dedicated to food and nonalcoholic beverages
- Amend 4-205 Hearings – Mayor and Council to hear all appeals

2018-17 RESOLUTION TO AMEND 2017/2018 FISCAL BUDGET

Mr. O'Bryant presented a resolution to amend the 2017/2018 Fiscal Budget. The auditors have determined over expenditures in public safety and under expended in general government.

The fire department purchased a needed fire truck, which caused the over expenditure in public safety. To remedy and balance the budget, the mayor and council will need to amend the adopted budget by adding \$100,000 to public safety and reducing \$100,000 from general government.

On motion by Annie Sutton, seconded by Nan Bowen, in favor – Kevin Stanley and Bradley Greene, and carried unanimously, the Mayor and Council voted to approve Resolution 2018-17 to amend the 2017/2018 Fiscal Budget. A new summary budget sheet is made part of these minutes.

BRIAN RINDT – CITY ENGINEER

Mr. Rindt continues to work with GDOT on the plans to install the twelve-inch water line from the Warrior Tank through phase III of the bypass. The City has received grant money from ARC to assist in the cost of the project. Mr. Rindt will need to submit plans to the grant agency that includes the utility location and the resolution of property rights along the water line.

CHIEF JOHN FOSTER – POLICE DEPARTMENT

Chief John Foster, Police Department, informed the mayor and council he has filled the last position available in his department. Officer Jeff Blihovde is retired from Hall County Sheriff's office. Officer Blihovde's wife currently works for the White County Sheriff's office.

The police department currently has no vacancies.

GRANT KEENE – CITY ATTORNEY

Grant Keene, City Attorney, informed he would research the easements provided for the property surrounding the Warrior Tank. This will assist in the plan development for the water line replacement.

TOM O'BRYANT – CITY ADMINISTRATOR

1. Blue Creek Water Tank Maintenance

It has been several years since maintenance has been performed on the Blue Creek Water Tank. Though there are no problems, Public Works staff recommended that the tank be inspected. The City has employed American Tank Maintenance to provide maintenance services for washout, inspection, and disinfection. The company will provide the following work for the city:

1. Coordination by both parties for the Owner to drain the tank prior to crew arrival.
2. Interior floor and lower walls of the tank will be cleaned using a pressure washer to remove all mud, silt, and foreign sediment. The tank is not to be rigged to pressure wash the upper walls, and roof unless specified by this agreement.
3. Tank will be inspected to assess the areas of **General Data, Structural, Sanitary, Safety, Security, and Coatings Conditions (as applicable)**.
4. After all inspection work is completed, the tank will be disinfected in accordance with AWWA C652.
5. The tank will be sealed and made ready for service.
6. Comprehensive written report with color digital photographs will be submitted detailing the condition of the tank. A representative of **American Tank Maintenance** will schedule a date with the Owner to present the report and findings.

Mr. O'Bryant informed the company would like to submit a proposal to inspect and maintained the three water tanks annually.

2. Construction Driveway Easement for Lift Station on Phase III Bypass (Hulsey Road)

- a. Plans for improvements for Phase III of the bypass are being finalized by the Georgia Department of Transportation, which includes a new alignment of the road where the city's lift station is located along Hulsey Road.
- b. Georgia DOT has requested that the City grant a driveway easement to GDOT for temporary construction and tie-in the driveway onto the new roadway.
- c. The tie-in will allow for a smooth transition in and out of the property after the construction has been completed.
- d. Mayor and Council will need to vote and grant the conveyance to GDOT and have the Mayor sign the legal document.

On motion by Bradley Greene, seconded by Kevin Stanley, in favor – Nan Bowen and Annie Sutton and carried unanimously, the Mayor and Council voted to approve the Georgia Department of Transportation Driveway Easement and authorized Mayor Ash to sign.

NEW BUSINESS

1. Mayor Ash recognized the Arrow of Light Scout Den Pack 140. The group attended the council meeting to learn about city government.

Troop Leader Brandy Ravan, Troop Leader Robert Fountain, Scouts – Ethan Lanphere, Ethan Merck, Gavin Kersten, Trenton Ravan, John Pruitt, and Gavin Fountain.

The Arrow of Light Scout Den Pack 140 participates in many community events, such as raising funds to send popcorn to our military. The group will also start a fundraiser selling chicken from Fieldale Farms. The money will be used to provide Christmas to two families for White Christmas.

Mayor Ash explained the government functions of Cleveland and the services the city offers.

Mrs. Ravan asked what ordinances have been passed that have affected the city. Mayor Ash answered the city just amended the alcohol ordinance to provide for 60/40 sales rather than the requirement of a meal. Chief Foster explained the amendment gives the businesses and citizens more freedom and is less restrictive.

Mr. Fountain asked who determines how the new business is developed. Mr. Fountain commented the parking, drive thru, and entrance is a nightmare to navigate. Mr. O'Bryant informed when a property affects the state highway, GDOT makes the decisions on driveway placements based on traffic and site view. Chief Foster added parking is per the square footage of the building. Brian Rindt stated the design of a driveway entrance is very complex and difficult for an engineer to predict traffic in each direction.

Scout Gavin Kersten asked how long it takes to pass a law. Mr. O'Bryant answered it is according to the detail in the law, but typically the city holds two public hearings before adoption. Chief Foster added staff researches the law and gets input from the public and city departments. The ordinance is drafted and may change before it is officially adopted. Nan Bowen added City Attorney Grant Keene helps with wording of the ordinance for legal issues.

Chief Foster asked if the scouts works towards the merit badge for law enforcement. Mrs. Ravan informed the scouts are able to work on the merit badge when they become boy scouts.

Scout Gavin Fountain read a statement to the mayor and council:

We are the Arrow of Light Scout Den with Pack 140 here in Cleveland Georgia Currahee District. We meet here in town at Cleveland United Methodist Church on Tuesday nights. Arrow of Light is the highest ranking and last step in the Cub Scout program before crossing over to Boys Scouts. We are currently working on our last requirements in Arrow of Light for cross over to Boy Scouts.

We would like to thank the Mayor and Council members for allowing us the opportunity to sit in on today's meeting.

We look forward to working with the city and our community on Service Projects.

The Mayor and Council thanked the group for attending the meeting.

NEW BUSINESS – CONTINUED

2. Public comments – Annie Sutton had asked Mayor Ash to participate in a radio show with her pastor. Mayor Ash had a conflict and Mr. O'Bryant stepped in to discuss city business and projects. The radio show is called Two Bald Brothers and a Bible. Ms. Sutton informed Mr. O'Bryant did a very good job discussing our community and made the city look very good. Ms. Sutton also stated she is encouraged by the interest of the young people in our community.

Ms. Sutton stated her appreciation of the SPLOST referendum being approved by the voters.

Beth Truelove, Chamber of Commerce, informed of the Business after Hours event that will be held on the square. Participants can go from business to business, preview the stores, and have a bite to eat in each location.

OLD BUSINESS

1. The minutes of October 2018 were signed.

EXECUTIVE SESSION

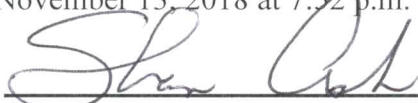
On motion by Annie Sutton, seconded by Nan Bowen, in favor – Kevin Stanley and Bradley Greene, and carried unanimously, the Mayor and Council voted to enter into an executive session to discuss real estate at 7:40 p.m.

RETURN TO CITY COUNCIL MEETING

On motion by Bradley Greene, seconded Annie Sutton, in favor – Nan Bowen and Kevin Stanley, and carried unanimously, the Mayor and Council voted to return to the City Council Meeting of November 13, 2018 at 7:51 p.m. No further business was discussed.

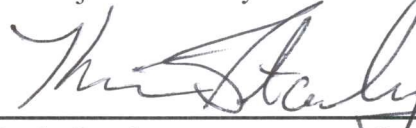
ADJOURNMENT

On motion by Nan Bowen, seconded by Kevin Stanley, in favor – Annie Sutton and Bradley Greene, and carried unanimously, the Mayor and Council voted to adjourn the City Council Meeting of November 13, 2018 at 7:52 p.m.



Shan Ash,

Mayor



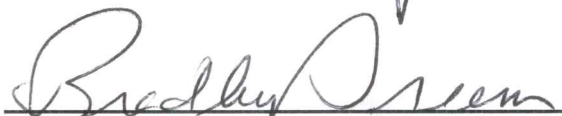
Kevin Stanley,

Council Member



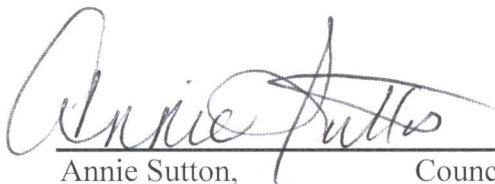
Nan Bowen,

Council Member



Bradley Greene,

Council Member



Annie Sutton,

Council Member

ATTEST:



Connie Tracas,

City Clerk

